

DRAFT Environmental Assessment

Proposed Wildlife Management Area Land Acquisition-- Spotted Dog Property



Wintering Elk on the Spotted Dog Property, 2009

June 2010



**Montana Fish,
Wildlife & Parks**

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1.0 PURPOSE OF AND NEED FOR ACTION

1.1. Proposed Action and Need

Montana Fish, Wildlife and Parks (FWP) proposes to purchase via fee title the 27,616-acre Spotted Dog property from Rock Creek Cattle Company (RCCC). RCCC leases an additional 10,261 acres from the Montana Department of Natural Resources and Conservation (DNRC) for cattle grazing, and FWP proposes a 10-year lease for these acres as part of this proposal. The fee-title property and leased DNRC acres are intermingled in an area northeast of Deer Lodge and south of Avon, Montana (Figure 1).

The Spotted Dog property is owned by Y-T Timber LLC (a.k.a., RY Timber) and under lease with an option to purchase by RCCC that expires in November 2011. Hereafter FWP assumes the transaction between Y-T Timber and RCCC will be concluded during summer of 2010 and RCCC would have the right to negotiate sale of the ranch to FWP.

FWP intends to manage the property as a Wildlife Management Area (WMA) for fish and wildlife habitat as well as public recreational opportunities. Spotted Dog provides habitat for a diversity of wildlife species ranging from grasshopper sparrows to grizzly bears. The lands provide especially significant big game habitat with the largest concentration of wintering elk in the Upper Clark Fork (almost 1,000 elk in 2009), and yearlong habitat for antelope, mule deer, white-tailed deer, elk, moose, black bear, and other species. The Spotted Dog property is a large, intact landscape (in combination with DNRC lands is 37,877 acres) with extensive native intermountain grasslands (rough fescue/bluebunch wheatgrass), shrub grasslands (bitterbrush/juniper/rabbitbrush), approximately 45 miles of riparian habitat along Spotted Dog, O'Neil and Trout Creeks, aspen patches, and dry Douglas-fir forests. Native westslope cutthroat trout reside in Spotted Dog Creek and its tributaries, as well as in O'Neil and Trout Creeks.

The Spotted Dog property is the second-largest block of unbroken native grasslands (14,049 acres) held under a single private owner west of the Continental Divide in Montana and the most significant single block of winter range in the Upper Clark Fork River Basin (UCFRB). The property offers abundant opportunities for outdoor recreation including hunting, hiking, horseback riding, or bird watching and is within an hour (or less) of Deer Lodge, Butte, Anaconda, Helena, and 1 ½ hours from Missoula. Public ownership of Spotted Dog would provide long-term conservation for some of the best big game habitat in Western Montana and extensive public recreational opportunities within reach of three of Montana's largest cities.

Threats to Spotted Dog include the subdivision of the property for residential and recreational homes as well as a high likelihood that the property would be sold in parts to a multiple owners with differing management goals. The ranch was recently listed by Faye Ranches for \$17,215,000. If it is sold to a private party, the opportunity to bring it into public ownership would be lost for the foreseeable future.

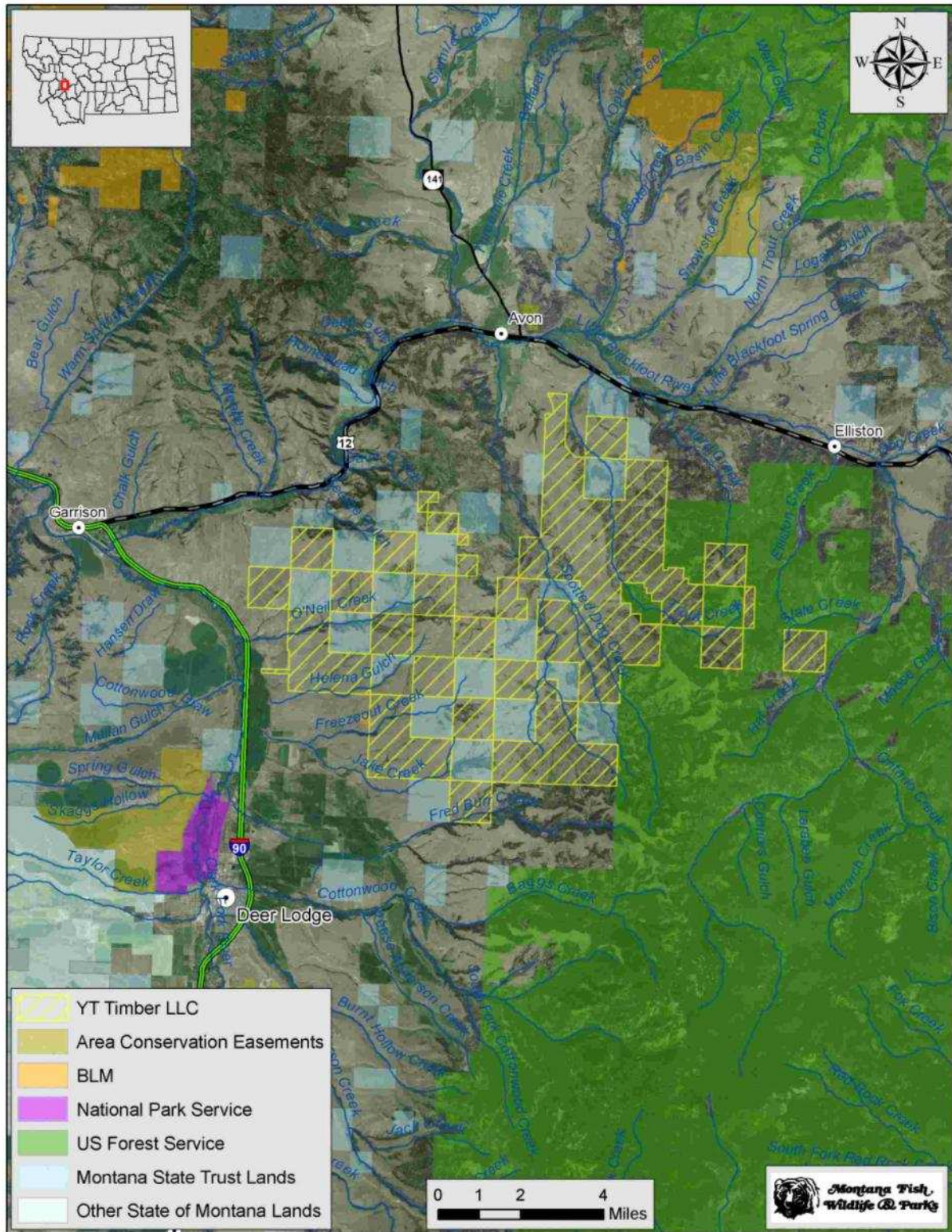


Figure 1. Map of the Spotted Dog property ownership boundaries

1.2 Objectives of the Proposed Action

- Permanently protect fish & wildlife resources;
- Enhance critical winter habitat for elk, mule deer, and antelope;
- Maintain migratory patterns to and from the National Forest for a regionally significant elk herd;
- Provide lasting public access to previously inaccessible lands;
- Maintain landscape connectivity between the Blackfoot and Clark Fork watersheds;
- Replace lost and injured natural resources that were the subject of Montana v. ARCO.

1.3. Location

The Spotted Dog property is located approximately 5 miles north east of Deer Lodge, Montana and one mile south of Avon, Montana.

Township & Range of the deeded Property in general terms:

T8N, R8W:	All of Sections 1, 3, 5, 7, 9, 11, 13, 14, 15, 17, 18, and 21 Portion of Section 2
T8N, R9W:	All of Sections 1 and 2 Portion of Section 3
T9N, R7W:	All of Sections 7, 18, 19, 21, 29, 31, 33, and 35 Portions of Sections 20, 27, and 30
T9N, R8W:	All of Sections 1, 11, 13, 14, 19, 23, 24, 25, 29, 31, 33, 35, and 36 Portions of Sections 2, 17, 21, 22, 26, and 27
T9N, R9W:	All of Sections 23, 25, 27, and 35
T10N, R8W:	Portion of Section 35

1.4 Relevant Plans

Application to FWP's Comprehensive Fish and Wildlife Conservation Strategy

During the last century intermountain grasslands and riparian habitats have declined significantly in Montana, as a result of sod busting, noxious weed invasions, and residential development. The 175,260-acre Deer Lodge Valley is identified in the Montana Fish, Wildlife & Parks' (2005) Comprehensive Fish and Wildlife Conservation Strategy (CFWCS), as 1 of 10 Terrestrial Focus Areas in the state. The Deer Lodge Valley supports four community types of greatest conservation need (Tier 1 community types; grassland complexes, riparian & wetland, mixed shrub & grass associations, and sagebrush & salt flats) as well as 10 Tier 1 species. The abundance of large continuous tracts of intermountain grasslands is what makes the Upper Clark Fork and the Deer Lodge Valley in particular, unique. Out of 10 Terrestrial Focus areas, only the Rocky Mountain Front has a similar prevalence of grasslands (60% vs. 59% in the Deer Lodge Valley).

Montana Species of Concern (SOC) and Federally listed Threatened/ Endangered species that have been observed on the property or are predicted to occur within the property are listed in Table 1.

Table 1. Montana Species of Concern (SOC) and Federally listed Threatened/Endangered species that have been observed on the property or are predicted to occur within the property.

Common name (<i>Scientific name</i>)	Status	Habitat	Status in Spotted Dog Property Vicinity
Species of Concern			
Westslope Cutthroat Trout (<i>Oncorhynchus clarki lewisi</i>)	SOC, Tier 1	Coldwater streams	Verified in area, in Spotted Dog, Trout, and O'Neil creeks
Canada Lynx (<i>Lynx Canadensis</i>)	Threatened, Tier 1	Subalpine conifer forests	Harvested near property
Fringed Myotis (<i>Myotis thysanodes</i>)	SOC	Riparian & dry mixed conifer forests	Suitable habitat in area, not verified
Gray Wolf (<i>Canis lupus</i>)	Delisted, SOC, Tier 1	Generalist	Verified on the property
Grizzly Bear (<i>Ursus arctos</i>)	Threatened, SOC, Tier 1	Generalist	Suitable habitat for expansion into the area
Hoary Bat (<i>Lasiurus cinereus</i>)	SOC	Riparian and forest habitats	Suitable habitat in area, not verified
Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>)	SOC, Tier 1	Caves and mines	Suitable roost sites near area, foraging habitat on property
Preble's Shrew (<i>Sorex preblei</i>)	SOC	Sagebrush/Grasslands	Suitable habitat in area, not verified
Wolverine (<i>Gulo gulo</i>)	SOC	Conifer forests	Harvested within 2 miles of eastern boundary
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	Delisted, SOC, Tier 1	Riparian forests	Nesting pairs along Little Blackfoot, some foraging habitat on property
Brewer's Sparrow (<i>Spizella breweri</i>)	SOC	Sagebrush	Suitable habitat in area, not verified
Brown Creeper (<i>Certhia Americana</i>)	SOC	Mixed conifer forests	Verified on Forest Service lands near the property
Cassin's Finch (<i>Carpodacus cassinii</i>)	SOC	Conifer forests	Verified on Forest Service lands near the property
Clark's Nutcracker (<i>Nucifraga Columbiana</i>)	SOC	Conifer forests	Verified on Forest Service lands near the property
Flammulated Owl (<i>Otus flammeolus</i>)	SOC, Tier 1	Low-mid elevation conifer forests with large trees	Verified on Forest Service lands near the property
Golden Eagle (<i>Aquila chrysaetos</i>)	SOC	Generalist	Verified on property
Grasshopper Sparrow (<i>Ammodramus savannarum</i>)	SOC	Grasslands	Suitable habitat in area, not verified
Great Blue Heron (<i>Ardea Herodias</i>)	SOC	Riparian woodlands	Rookery on the Little Blackfoot near Garrison, foraging habitat on property
Great Gray Owl (<i>Strix nebulosa</i>)	SOC	Conifer forests	Limited suitable habitat in area, not verified
Lewis's Woodpecker (<i>Melanerpes lewis</i>)	SOC	Riparian forests	Verified on Forest Service lands near the property

Common name (Scientific name)	Status	Habitat	Status in Spotted Dog Property Vicinity
Long-billed Curlew (<i>Numenius americanus</i>)	SOC, Tier 1	Grasslands	Verified on property
Northern Goshawk (<i>Accipiter gentilis</i>)	SOC	Mixed conifer forests	Verified near the area, suitable habitat present
Peregrine Falcon (<i>Falco peregrines</i>)	Delisted, SOC	Cliffs, forages over riparian, wetland habitats	Foraging habitat in area, not verified
Sharp-tailed Grouse – Columbian or prairie subspp. (<i>Tympanuchus phasianellus</i>)	SOC (Columbian)	Grasslands	Suitable habitat, not verified, possible reintroduction site
Veery (<i>Catharus fuscenscens</i>)	SOC	Riparian forests, shrubby habitats	Suitable habitat, not verified
Western Toad (<i>Bufo boreas</i>)	SOC, Tier 1	Wetlands, lakes, floodplain ponds	Suitable habitat in area, not verified
Potential Species of Concern			
Silver-haired Bat (<i>Lasionycteris noctivagans</i>)	PSOC	Riparian and forest habitats	Suitable habitat in area, not verified
Common Poorwill (<i>Phalaenoptilus nuttallii</i>)	PSOC	Open conifer woodlands	Suitable habitat in area, not verified
Swainson's Hawk (<i>Buteo swainsoni</i>)	PSOC	Sage/grasslands with woody draws	Suitable habitat, verified in Deer Lodge Valley
Western Screech-Owl (<i>Megascops kennicottii</i>)	PSOC	Riparian forests	Suitable habitat, not verified
An Agapetus Caddisfly (<i>Agapetus montanus</i>)	PSOC	Fast-flowing streams	Verified in Spotted Dog Creek north of the property
Additional Tier 1 Species			
Olive-sided Flycatcher (<i>Contopus cooperi</i>)	CFWCS Tier 1	Early seral forest/shrub patches, and burned forest	Verified on Forest Service lands near the area

** Tier 1 status identifies those species in greatest conservation need

Powell County Growth Policy serves as a planning guide for local officials and citizens throughout the planning period from its adoption in 2006 up to the year 2025. It provides a long-range statement of local public policy defining guidance for managing and accommodating development within the county (Powell County, 2006).

1.5 Authority and Responsibility

FWP has the authority to purchase lands that are suitable for game, bird, fish or fur-bearing animal restoration, propagation or protection; for public hunting, fishing, or trapping areas; and for state parks and outdoor recreation per Montana state statute 87-1-209.

Per state law, 87-1-201(9) MCA, FWP is required to implement programs that address fire mitigation, pine beetle infestation, and wildlife habitat enhancement giving priority to forested lands in excess of 50 contiguous acres in any state park, fishing access site, or wildlife

management area under the department's jurisdiction. FWP would develop and implement forest management plans for this property to meet the intent of this statute.

FWP is also required to deposit 20% of the purchase price, capped at \$300,000/acquisition, for properties it acquires (87-1-209 and 23-1-127 (2) MCA). Such an account would be used for weed maintenance, fence installation or repair of existing fences, streambank stabilization, erection of barriers to preserve riparian vegetation and habitat, and similar activities. Such maintenance activities should be consistent with the good neighbor policy.

2.0 ALTERNATIVES

2.1. Alternative A--Proposed Action: For FWP to Purchase the 27,616-acre Spotted Dog property from the Rock Creek Cattle Company

FWP proposes to purchase via fee title 27,616.35 acres northeast of Deer Lodge, Montana, to establish a new wildlife management area. The target property includes portions of Spotted Dog, Trout, and O'Neil Creeks. In addition to the acquisition, FWP would assume and pay for a 10-year lease for RCCC's existing DNRC grazing leases on 10,260.85 acres that are interspersed within the Spotted Dog property.

FWP has applied for an Upper Clark Fork River Basin Restoration Grant for approximately \$15.2 million (\$550/acre), which is the appraised fair market value for the purchase of the property. The grant funds would come from the Montana Natural Resource Damage Program. This program has been responsible for performing natural resource damage assessments, pursuing the lawsuit against ARCO, and administering funds from the settlement. The 1999 partial settlement earmarked about \$130 million to restore or replace the injured natural resources in the Upper Clark Fork River Basin. In general, restoration funds can be used on projects that will improve:

- water, fish and wildlife resources
- public drinking water supplies
- natural resource-based recreational opportunities such as hunting, fishing, hiking and wildlife watching

The estimated net present value of a 10-year grazing lease agreement for the 10,260.85 acres from the DNRC is \$148,869. This expense also proposed to be paid through the Upper Clark Fork River Basin Restoration Grant.

FWP has drafted a management plan for the property that is attached as *Attachment A*. The Management Plan would disclose and guide FWP management direction for the WMA in the first months and years following acquisition.

Challenges of the proposed acquisition include: the oversight and enforcement of management strategies and existing FWP rules throughout the property for protecting resource values, as well as for public appreciation and enjoyment of these resources. Estimated 5-year maintenance expenses are \$1,225,140 for weed management, fence maintenance and replacement, and road maintenance and obliteration. The maintenance budget is described in more detail in the Draft

Management Plan (Attachment A). FWP has made application to the Natural Resource Damage Program to fund this 5-year maintenance expense, which includes 0.5 FTE for additional staff to help manage the property during the start-up period.

Taxes would total approximately \$15,000 per year and would be paid from existing FWP accounts.

2.2 Alternative B--No Action: FWP would not purchase the Spotted Dog Property

Under the No Action Alternative, FWP would not purchase the Spotted Dog property and the property would remain on sale on the real estate market. The possibility would exist that the property could be subdivided and developed in the future depending upon the desires of a new owner, and if so the exceptional habitat qualities of this property could be jeopardized. Public access to the property would be unlikely, given past history and trends. Previously identified Natural Resource Damage Program and FWP funds would be released from this proposed project to support different projects. Replacement of cost and injured natural resources subject to Montana v. ARCO would not be derived from this project.

2.3 Alternative Considered but Eliminated from Further Analysis--Conservation Easement

FWP could achieve many, but not all of the habitat and public access objectives, for the Spotted Dog property by purchasing a conservation easement on the property instead of acquiring it in fee. A conservation easement could achieve these objectives at approximately two-thirds of the cost of a fee title acquisition (\$15.19 million X 0.64 = \$9.7 million). A conservation easement would not have allowed FWP complete management control over the property for the benefit of fish, wildlife and the public. In previous years, the Rocky Mountain Elk Foundation tried to obtain a conservation easement, but the landowner and option holder declined to sell a conservation easement.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENT CONSEQUENCES

3.1 LAND USE

Since the early 1870s, the Spotted Dog property has been used for grazing cattle and sheep. Much of the conifer forest habitat has been harvested, including considerable removal since 2005. Currently, only 51 acres near the center of the property (hay-ground; 0.1% of the total ranch) are being used for agriculture (hay) production. RCCC has approximately 2,000 cow/calf pairs grazing on the property annually, in addition to 20 horses.

Local lore of the property connects it with the historic Grant-Kohrs Ranch in the Deer Lodge Valley, which was a large cattle operation in the mid-1800s through the early 20th century when the ranch was split into three large parcels and sold. The National Park Service, which maintains the original Grant-Kohrs Ranch buildings as a National Park (National Historic Site), has yet to discover any documentation to conclusively substantiate a connection between the two ranches (NPS, personal communication, 5/7/10).

Approximately 60 miles of fence are present and functional around the perimeter of the property for controlling cattle and generally demarcating the proposed WMA boundary. The interior of

the ranch is fenced into four pasture areas and those fences are in various conditions. Some of the interspersed sections owned by DNRC within in the ranch are also fenced. There are small established corrals for cattle management activities throughout the property.

Although there are some undeveloped access points into the Spotted Dog property, there are only four legal points of entry, of which two are currently gated. One entrance is on the northwest side of the property near O'Neil Creek, one is south of Avon along Trout Creek (Trout Creek Road), one is the old Stagecoach Road up Helena Gulch, and the fourth is via Forest Service Road #314 (the Tree Farmer Road) from the east side of the property. Access from the Deer Lodge and Avon sides are gated at their junction with county roads. In total, there are approximately 117 miles of roads crossing the property, with most roads being small roads for timber harvest and low-impact jeep trails. Ownership of the roads is mixed between the landowner, County, and Forest Service.

The ranch is bisected by several major power lines and two pipelines (one gas and one for refined product).

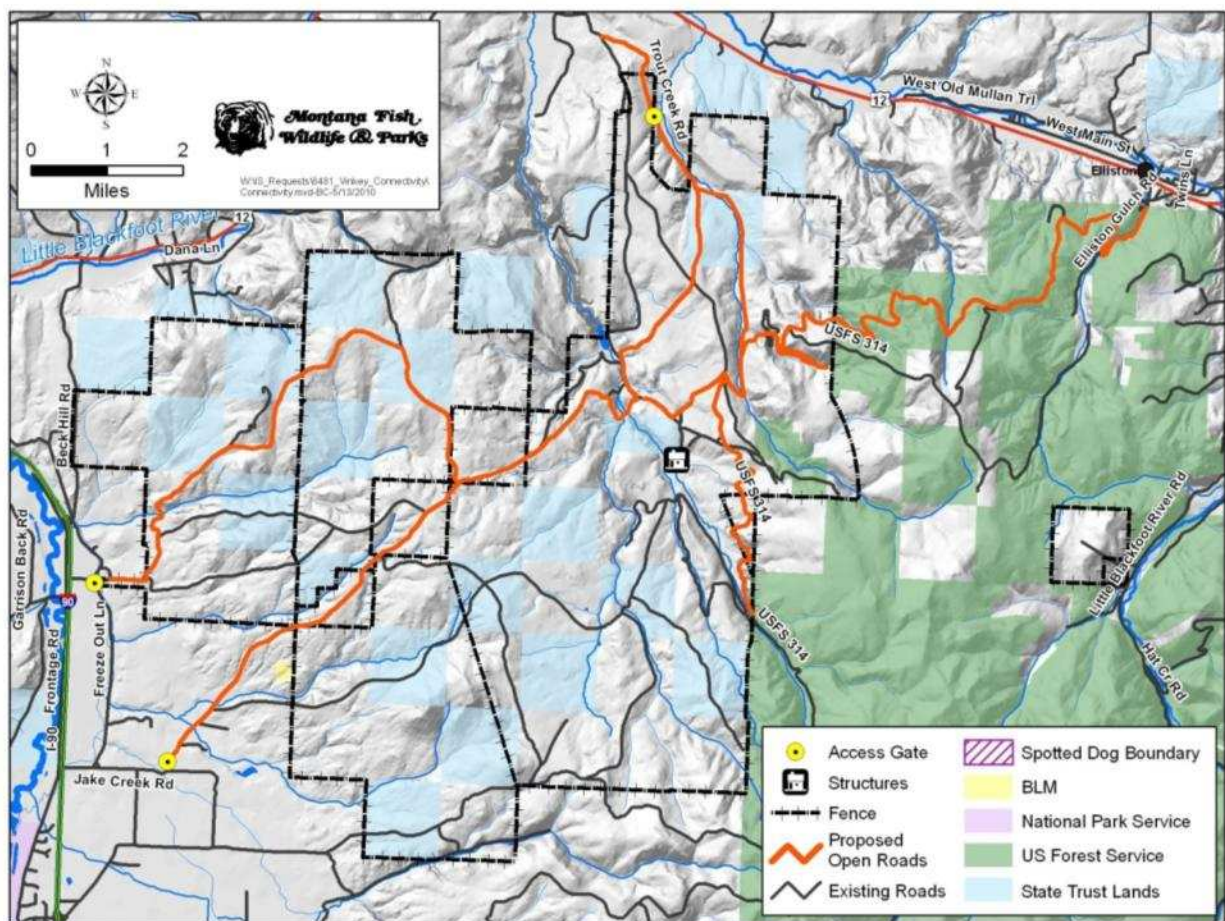


Figure 2. Map showing the Spotted Dog Property access points and fencing.

There are two large structures on the property: a 6,600 sq. ft. barn used for livestock management and a 2,000 sq. ft. modular home with an outbuilding that is currently not occupied and is used for storage and occasional bunking facilities.

Proposed Action: Spotted Dog WMA would be managed in a manner consistent with that of other WMAs owned and managed by FWP (e.g., Blackfoot-Clearwater, Lost Creek, Garrity Mountain, Fleecer Mountain, and Sun River). Management priority would be for the benefit of native fish and wildlife resources. Public access would be provided to the extent that such access is compatible with the stewardship of soil, native vegetation, and the endemic fish and wildlife resources.

FWP would monitor the status of streambanks, riparian vegetation and uplands, and consider grazing on a case by case basis. Livestock may be considered in the future as a tool for managing forage quality and enhancing forb diversity, depending on the initial results of livestock exclusion. On some WMAs in Montana, FWP has entered into cooperative habitat management agreements and structured grazing systems with adjoining landowners, which provide for grazing treatments and periodic yearlong rest from livestock grazing on the WMA and private properties for the enhancement of elk forage (typically) across the broader landscape. FWP would be open to exploring such possibilities if such agreements would appear to meet resource objectives in the future.

There is approximately 60 miles of existing 5-strand barbed-wire boundary fencing. As the old fencing is replaced, FWP may employ more wildlife-friendly designs. FWP would plan to inventory all the interior fencing to determine if some sections should be removed or stored to improve wildlife passage and movement while maintaining essential infrastructure for any future grazing systems if warranted.

The public would gain access to the WMA from noon May 15th through November 30th each year for motor-vehicle driving, hiking, horseback riding, hunting, shed-antler hunting, primitive camping, and related outdoor recreation. The WMA would be closed to all public entry from December 1st until noon May 15th to provide protection for elk, deer, and antelope while concentrated on winter range. An exception to this closure would be for snowmobiles use upon and restricted to the existing groomed snowmobile trails following the Forest Service roads in the eastern portion of the property. The Forest Service holds road easements in that area for Forest Service #314 (the Tree Farmer Road) and Irish Mine Roads that allows for year-round public use. An open road system would be maintained to provide the public with ample opportunities for motorized access during the May 15th through November 30th season. Additional detail is provided in the attached Draft Management Plan.

FWP would provide routine road maintenance to support public travel on the primary roads and correct existing and new road issues on a prioritized basis.

A search of the MT Bureau of Mines and Geology Abandoned and Inactive Mines database for Powell County did not identify any old hard rock mines (gold, silver, etc.) within the Spotted Dog property. The database search did acknowledge four locations where pumice had been located (8N8W, Sec. 18 - 8N9N, Sec. 2 - 9N8W, Sec. 31 and 9N9W, Sec. 25) within the property's boundary.

Any mineral interests owned by RCCC attached to the parcels would be transferred to FWP. Final determination of those interests is pending. Approximately mineral rights for 14,149 acres of the Spotted Dog property are owned by a third party and research of property has showed the potential for mineral development is very low. Water rights attached to the project property would also be transferred to FWP.

No Action: Under the No Action Alternative, there is a high degree of likelihood that RCCC would attempt to find another buyer for this property and may consider selling the property in smaller parcels, which would increase the likelihood that the property would be subdivided for residential development. This would increase the probability that habitat function would be compromised and land uses would differ by owner.

3.2 Vegetation

The productivity of lands on the Spotted Dog fee-title property varies across the landscape. In general, 14,048 acres of foothills, valley, and lower and upper montane grasslands are in moderate to good condition; sagebrush communities are in to fair to good condition, and the condition of riparian areas and mesic/wet meadows ranges from poor to good depending on stocking densities and use by livestock. Only 51 acres are in agricultural production and only 6 structures exist on 27,616 acres, indicating that native habitats are remarkably intact and almost entirely available for use by wildlife.

In 2009, the Montana Natural Heritage Program (MNHP) mapped habitat types in the UCFRB, as part of an assessment of terrestrial resources conducted by FWP and cooperators, funded by the Natural Resource Damage Program (NRDP). Results of the assessment are in Table 2.

Intermountain Grasslands are abundant with over 12,420 acres of lower montane, foothill, and valley grasslands. Native bunchgrasses, including rough fescue (*Festuca scabrella*), bluebunch wheatgrass (*Elymus spicatus*), Sandberg bluegrass (*Poa secunda*), and blue grama (*Bouteloua gracilis*), dominate these communities. These grasslands provide year-round habitat, including winter range, for antelope, mule deer, and elk, as well as nongame species dependent on intact native grasslands.

Riparian habitats on the ranch are found along 45 miles of perennial and seasonal streams as well as on the edges of springs, ponds, and seeps. Riparian woodlands, wet meadows, and emergent marsh cover an estimated 621 acres. In a dry landscape, these rare habitats provide especially important habitat for birds, bats, reptiles, and amphibians.

Shrub Grasslands dominated by antelope bitterbrush and its associates (rabbitbrush, juniper, and forbs) occupy 2,719 acres. Bunchgrass and bitterbrush communities are productive and intact. Mule deer use these habitats extensively as do calving elk, antelope, and nongame species. Antelope bitterbrush and rough fescue communities occur on the property. Both communities are limited, uncommon, and apparently declining across Western Montana, yet both are exceptionally valuable as forage for elk and mule deer, as well as food and cover for a variety of wildlife.

Table 2. Habitat types by acreage on Spotted Dog. (Acres are estimates based on refinements to Montana land-cover mapping completed by the Montana Natural Heritage Program in 2009.)

Habitat Type	<i>Acres</i>
Lower montane, foothill, & valley grasslands	12,420.6
Douglas-fir forest	4,158.8
Montane sagebrush steppe	2,719.0
Lodge pole pine	1,794.7
Harvested forest	1,750.0
Subalpine-upper montane grassland	1,628.8
Mesic meadow	1,317.0
Ponderosa pine	435.5
Riparian woodland	411.4
Wet meadow	207.9
Deciduous shrub land	185.9
Subalpine spruce	135.2
Aspen	69.2
Developed	50.9
Limber pine - juniper woodland	13.3
Water	9.8
Cliffs & canyons	5.3
Emergent marsh	2.0
Agriculture	0.4
<i>TOTAL classified habitats</i>	<i>27,315.70</i>

Coniferous forest comprises approximately 30% of the target property. Forest types include lodgepole pine in higher elevations and ponderosa pine and Douglas-fir elsewhere. Much of the conifer forest has been harvested, including considerable removal since 2005. Timber harvest has included near total removal of some forest patches. In spite of intensive timber harvest, some of the remaining timber shows evidence of pine beetle mortality. The property is close to major pine beetle infestations near the community of Deer Lodge.

Invasive weed species are present along both active and abandoned roadways, and other heavily used sites. Exotic weed species include spotted knapweed (*Centaurea maculosa*), leafy spurge (*Euphorbia esula*), common hound's-tongue (*Cynoglossum officinale*), common mullein (*Verbascum thapsus*), hoary-cress (*Cardaria pubescens*), and Canada thistle (*Cirsium arvense*). Some weed control activities have been implemented by Y-T Timber LLC in the past.

Proposed Action: Under FWP management, timber harvest would not occur in the near-term because most of the merchantable timber was recently harvested. FWP's direction would be to

recruit large trees and snags in the future for their value as wildlife habitat. Although forest management would be a management priority in the long run to recruit and maintain forest stands of highest value for wildlife, there would not be an immediate need for active forest management, with the possible exception of spot sanitation harvests for disease control.

FWP would consult with professional foresters to evaluate the need for harvest to address remaining mountain pine beetle infestations. FWP's primary motivation would not be the salvage of monetary value from dead or dying trees, because dead and dying trees provide important habitat for a diversity of wildlife. However, FWP would evaluate each situation for the potential of beetle infestations spreading to unaffected stands, and may choose to remove beetle-killed trees as a preventive measure and as a good neighbor where neighboring stands are at risk.

Wildfires would be subject to immediate suppression upon detection. In an attempt to prevent human-caused ignitions, FWP and DNRC may institute temporary, emergency measures to progressively restrict public access if and as summer-fall drought conditions intensify in some years. Fire suppression on the Spotted Dog WMA would fall under the existing jurisdiction of the county. Prescribed fire may be used for enhancing aspen regeneration and herbaceous forage quality, and managing fuels in the forest understory, but only with public notice and the cooperation of local fire management entities.

If FWP were to acquire the Spotted Dog property, FWP would agree on a Weed Management Plan specific to the Spotted Dog property with Powell County that would be in accordance with the Montana Weed Management Plan (2008) prior to closing. In accordance with 7-22-215 MCA, the FWP is required to develop a noxious weed management plan, and to have the plan approved by the Powell County weed board (as well as provide a biennial report on its weed management activities). Any isolated patches of invading species would be eradicated by the most efficient and effective means (e.g., hand-pulling, digging or herbicide spot treatment), depending on weed species and site limitations. FWP's priority for herbicide control of noxious weeds on the subject lands would be to spray roadsides and recent log landings, skid trails and other disturbed sites. Roadsides would be inspected annually for the purpose of detecting and eradicating any new weed introductions before infestations become established. As an additional preventive measure, FWP would confine motorized traffic to the previously described road system and would otherwise avoid disturbance of the soil surface.

Ongoing noxious weed control would require cooperation and partnership with DNRC and private landowners on intermingled ownerships, as well as with Bonneville Power Administration power line right-of-way maintenance, to ensure its effectiveness throughout the property.

No Action: If RCCC retained the property and sold it to another buyer, the future impacts to resources and public access would be dependent on the desires of the property's new owner(s). It is difficult to predict how new ownership would affect existing vegetation and wildlife habitat resources since actual landowner activities are unknown. There is the potential for subdivision of the property for residential development, which could negatively and irreversibly impact habitat for wildlife species.

3.3 Wildlife Species

The Spotted Dog property provides habitat for a diversity of wildlife species. The lands provide especially significant big game habitat with the largest concentration of wintering elk in the Upper Clark Fork and yearlong habitat for antelope, mule deer, white-tailed deer, elk, moose, black bear, and other species.

The property has the right mix of native grasslands, bitterbrush communities, forests, and water to provide exceptional habitat for elk year-round. Calving habitats and winter range are found throughout. Some of the best winter range in the Upper Clark Fork exists on the Spotted Dog and intermingled DNRC lands with high numbers of wintering elk observed annually (Figure 3). In 2009, 1,014 elk were counted in the northern portion of Hunting District 215, mostly in the Spotted Dog country.

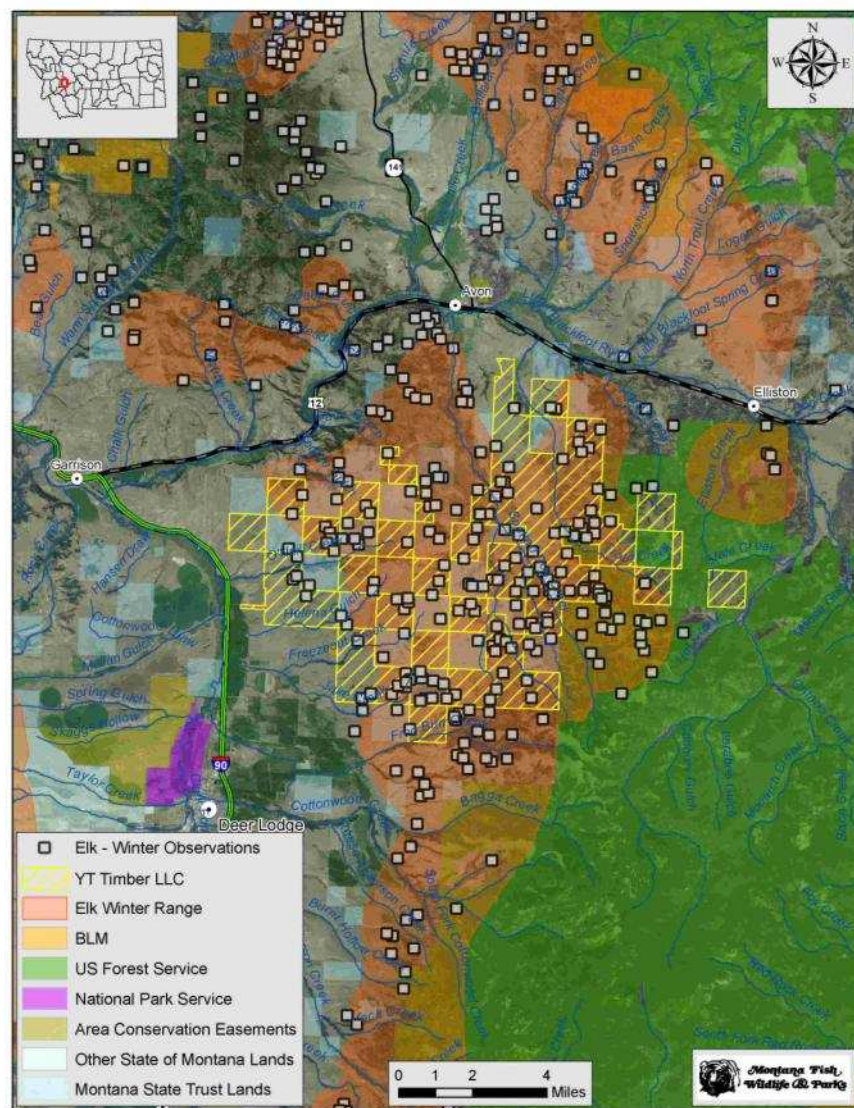


Figure 3. Elk survey locations and winter range, 1984-2008

The Spotted Dog property provides yearlong habitat for numerous Species of Concern. Species which are petitioned for federal protections under the Endangered Species Act (wolverine), delisted species (gray wolf and bald eagle), and listed species (*threatened*; grizzly bear and Canada lynx) are all known to use the ranch or nearby lands. See Section 1.4 for a complete list of species identified as federally listed Threatened/Endangered and/or as Montana Species of Concern.

The Spotted Dog area provides landscape connectivity between the Blackfoot, the Garnet, Flint and Boulder Mountains, and the Continental Divide, as evidenced by occurrences of wide-ranging wildlife species such as gray wolf, Canada lynx, and wolverine (Figure 4), and recently, grizzly bear.

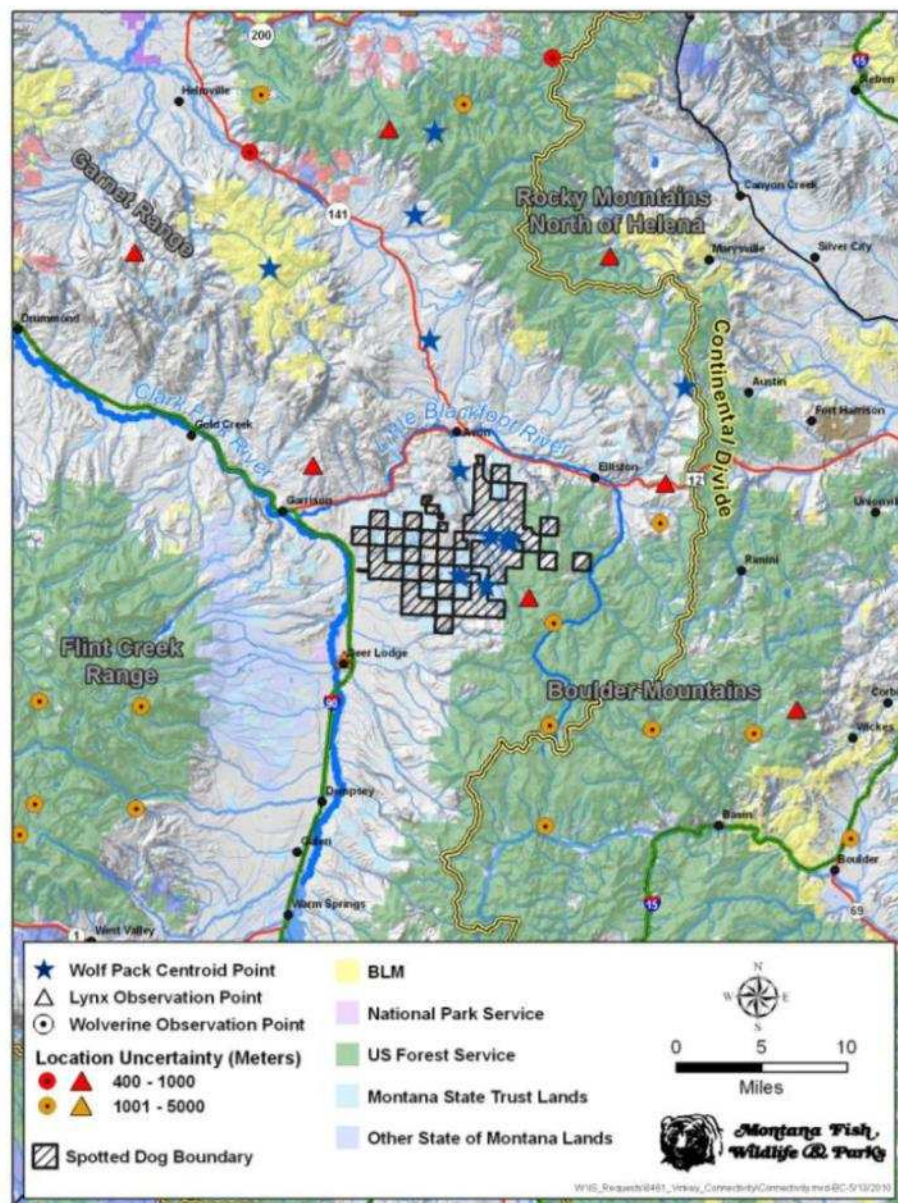


Figure 4. Spotted Dog landscape connectivity and carnivore locations

Over the past fifteen years, there has been documented evidence that two packs of gray wolves, the Boulder and Spotted Dog packs, have used the target property. The Boulder pack (aka Castle Rock pack) was the first documented pack in the area until depredation issues required the removal of pack members in 2003 and there were no sightings of the remaining pack members after 2004. The Spotted Dog pack resided south of Avon since 2006, but as of 2008, the pack is considered gone from the area since no sightings have been reported by landowners or the public. No new packs are known to use the property at this time.

Little information exists on nongame wildlife on the property, which is typical for most privately-owned ranches. Based on habitat, the property likely provides good nesting habitat for grassland bird species such as long-billed curlews, western meadowlarks, vesper sparrows, and grasshopper sparrows. The limited riparian habitat and woody coulees should support a rich diversity of songbirds where adequate cover exists. The combination of grasslands, small timber patches, and shrubby coulees may provide opportunities for reintroduction of sharp-tailed grouse, though further evaluation would be needed to fully evaluate this.

White-tailed jackrabbits have been reported from the area in the past. Jackrabbits are not common in Region 2 western valleys, compared to grasslands east of the Divide. Jackrabbits and ground squirrels provide the primary prey base for many birds of prey.

Raptors found in the area include golden eagles, red-tailed hawks, American kestrels, and northern harriers. The property offers good foraging habitat for prairie falcons, but limited nesting habitat. No ferruginous hawks have been documented nesting in the Deer Lodge Valley, so they are unlikely to occur on the property even though the habitat appears suitable. Swainson's hawks may occur along the western edge of the property, though this species has mainly been found in areas with mixed grassland and irrigated agriculture in the Deer Lodge Valley. Bald eagles nest along the Little Blackfoot River, and they probably spend time foraging on the property.

Northern goshawks were documented in two places in adjacent National Forest lands within ½ mile of the property boundary during goshawk surveys conducted by USFS. However, many forest patches that could have supported goshawk nesting have been removed from the property. Sufficient patches of conifer forest remain to potentially support a number of other forest species, especially near the boundary.

Rocky outcrops and cliffs provide nesting sites for some raptor species and roosting sites for bats. No caves are known on the property. The area has abandoned mines, but it is unknown if any provide roosting habitat suitable for Townsend's big-eared bats.

The pond on Spotted Dog Creek that spans the property boundary may provide breeding habitat for amphibians such as spotted frogs, boreal toads, and long-toed salamanders. Beaver ponds on the property also provide potential breeding sites for amphibians.

Other vertebrate species occur on or near, or are likely to occur on, the Spotted Dog property (Table 3).

Table 3. Vertebrate species observed on or nearby the Spotted Dog property, or likely to occur there based on species distribution range and habitat suitability.

Common Name	Scientific Name
Columbia Spotted Frog	<i>Rana luteiventris</i>
Long-toed Salamander	<i>Ambystoma macrodactylum</i>
American Kestrel	<i>Falco sparverius</i>
American Coot	<i>Fulica americana</i>
American Crow	<i>Corvus brachyrhynchos</i>
American Robin	<i>Turdus migratorius</i>
American Three-toed Woodpecker	<i>Picoides dorsalis</i>
Bank Swallow	<i>Riparia riparia</i>
Barn Swallow	<i>Hirundo rustica</i>
Belted Kingfisher	<i>Megaceryle alcyon</i>
Black-billed Magpie	<i>Pica hudsonia</i>
Black-capped Chickadee	<i>Poecile atricapillus</i>
Black-headed Grosbeak	<i>Pheucticus melanocephalus</i>
Brown-headed Cowbird	<i>Molothrus ater</i>
Brewer's Sparrow	<i>Spizella breweri</i>
Canada Goose	<i>Branta canadensis</i>
Cassin's Vireo	<i>Vireo cassinii</i>
Cedar Waxwing	<i>Bombycilla cedrorum</i>
Chipping Sparrow	<i>Spizella passerina</i>
Cliff Swallow	<i>Petrochelidon pyrrhonota</i>
Common Merganser	<i>Mergus merganser</i>
Common Nighthawk	<i>Chordeiles minor</i>
Common Raven	<i>Corvus corax</i>
Common Yellowthroat	<i>Geothlypis trichas</i>
Cooper's Hawk	<i>Accipiter cooperii</i>
Cordilleran Flycatcher	<i>Empidonax occidentalis</i>
Dark-eyed Junco	<i>Junco hyemalis</i>
Downy Woodpecker	<i>Picoides pubescens</i>
Dusky Flycatcher	<i>Empidonax oberholseri</i>
Dusky (Blue) Grouse	<i>Dendragapus obscurus</i>
Eastern Kingbird	<i>Tyrannus tyrannus</i>
European Starling	<i>Sturnus vulgaris</i>
Evening Grosbeak	<i>Coccothraustes vespertinus</i>
Golden-crowned Kinglet	<i>Regulus satrapa</i>
Gray Catbird	<i>Dumetella carolinensis</i>
Gray Jay	<i>Perisoreus canadensis</i>
Gray Partridge	<i>Perdix perdix</i>

Common Name	Scientific Name
Great Horned Owl	<i>Bubo virginianus</i>
Hammond's Flycatcher	<i>Empidonax hammondi</i>
Hairy Woodpecker	<i>Picoides villosus</i>
Horned Lark	<i>Eremophila alpestris</i>
House Wren	<i>Troglodytes aedon</i>
Hermit Thrush	<i>Catharus guttatus</i>
Lazuli Bunting	<i>Passerina amoena</i>
Least Flycatcher	<i>Empidonax minimus</i>
Lincoln's Sparrow	<i>Melospiza lincolnii</i>
MacGillivray's Warbler	<i>Oporornis tolmiei</i>
Mallard	<i>Anas platyrhynchos</i>
Mountain Bluebird	<i>Sialia currucoides</i>
Mountain Chickadee	<i>Poecile gambeli</i>
Mourning Dove	<i>Zenaida macroura</i>
Northern Flicker	<i>Colaptes auratus</i>
Northern Harrier	<i>Circus cyaneus</i>
Northern Oriole	<i>Icterus galbula</i>
Northern Pygmy-Owl	<i>Glaucidium gnoma</i>
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>
Northern Saw-whet Owl	<i>Aegolius acadicus</i>
Northern Shrike	<i>Lanius excubitor</i>
Northern Waterthrush	<i>Seiurus noveboracensis</i>
Olive-sided Flycatcher	<i>Contopus cooperi</i>
Orange-crowned Warbler	<i>Vermivora celata</i>
Osprey	<i>Pandion haliaetus</i>
Pine Grosbeak	<i>Pinicola enucleator</i>
Pine Siskin	<i>Carduelis pinus</i>
Prairie Falcon	<i>Falco mexicanus</i>
Red-breasted Nuthatch	<i>Sitta canadensis</i>
Red Crossbill	<i>Loxia curvirostra</i>
Red-naped Sapsucker	<i>Sphyrapicus nuchalis</i>
Red-tailed Hawk	<i>Buteo jamaicensis</i>
Red-winged Blackbird	<i>Agelaius phoeniceus</i>
Rock Pigeon	<i>Columba livia</i>
Rock Wren	<i>Salpinctes obsoletus</i>
Rough-legged Hawk	<i>Buteo lagopus</i>
Ruby-crowned Kinglet	<i>Regulus calendula</i>
Ruffed Grouse	<i>Bonasa umbellus</i>
Sandhill Crane	<i>Grus canadensis</i>

Common Name	Scientific Name
Savannah Sparrow	<i>Passerculus sandwichensis</i>
Sharp-shinned Hawk	<i>Accipiter striatus</i>
Snow Bunting	<i>Plectrophenax nivalis</i>
Song Sparrow	<i>Melospiza melodia</i>
Spotted Sandpiper	<i>Actitis macularius</i>
Spotted Towhee	<i>Pipilo maculatus</i>
Swainson's Thrush	<i>Catharus ustulatus</i>
Townsend's Solitaire	<i>Myadestes townsendi</i>
Tree Swallow	<i>Tachycineta bicolor</i>
Turkey Vulture	<i>Cathartes aura</i>
Vesper Sparrow	<i>Pooecetes gramineus</i>
Violet-green Swallow	<i>Tachycineta thalassina</i>
Warbling Vireo	<i>Vireo gilvus</i>
Western Meadowlark	<i>Sturnella neglecta</i>
Western Tanager	<i>Piranga ludoviciana</i>
Western Wood-Pewee	<i>Contopus sordidulus</i>
White-breasted Nuthatch	<i>Sitta carolinensis</i>
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>
Willow Flycatcher	<i>Empidonax traillii</i>
Wilson's Snipe	<i>Gallinago delicata</i>
Wilson's Warbler	<i>Wilsonia pusilla</i>
Yellow-rumped Warbler	<i>Dendroica coronata</i>
Yellow Warbler	<i>Dendroica petechia</i>
American Beaver	<i>Castor canadensis</i>
Badger	<i>Taxidea taxus</i>
Big Brown Bat	<i>Eptesicus fuscus</i>
Black Bear	<i>Ursus americanus</i>
Bobcat	<i>Lynx rufus</i>
Bushy-tailed Woodrat	<i>Neotoma cinerea</i>
Columbian Ground Squirrel	<i>Spermophilus columbianus</i>
Coyote	<i>Canis latrans</i>
Deer Mouse	<i>Peromyscus maniculatus</i>
Dusky or Montane Shrew	<i>Sorex monticolus</i>
Elk or Wapiti	<i>Cervus canadensis</i>
Ermine	<i>Mustela erminea</i>
Golden-mantled Ground Squirrel	<i>Spermophilus lateralis</i>
Heather Vole	<i>Phenacomys intermedius</i>
Little Brown Myotis	<i>Myotis lucifugus</i>
Long-eared Myotis	<i>Myotis evotis</i>

Common Name	Scientific Name
Long-legged Myotis	<i>Myotis volans</i>
Long-tailed Vole	<i>Microtus longicaudus</i>
Long-tailed Weasel	<i>Mustela frenata</i>
Marten	<i>Martes americana</i>
Masked Shrew	<i>Sorex cinereus</i>
Meadow Vole	<i>Microtus pennsylvanicus</i>
Mink	<i>Mustela vison</i>
Montane Vole	<i>Microtus montanus</i>
Moose	<i>Alces alces</i>
Mountain Cottontail	<i>Sylvilagus nuttallii</i>
Mountain Lion	<i>Puma concolor</i>
Mule Deer	<i>Odocoileus hemionus</i>
Muskrat	<i>Ondatra zebithicus</i>
Northern Flying Squirrel	<i>Glaucomys sabrinus</i>
Northern Pocket Gopher	<i>Thomomys idahoensis</i>
Pika	<i>Ochotona princeps</i>
Porcupine	<i>Erethizon dorsatum</i>
Pronghorn (Antelope)	<i>Antilocapra americana</i>
Pygmy Shrew	<i>Sorex hoyi</i>
Raccoon	<i>Procyon lotor</i>
Red Fox	<i>Vulpes vulpes</i>
Red Squirrel	<i>Tamiasciurus hudsonicus</i>
Red-tailed Chipmunk	<i>Tamias ruficaudus</i>
Southern Red-backed Vole	<i>Clethrionomys gapperi</i>
Snowshoe Hare	<i>Lepus americanus</i>
Striped Skunk	<i>Mephitis mephitis</i>
Vagrant Shrew	<i>Sorex vagrans</i>
Water Shrew	<i>Sorex palustris</i>
Western Jumping Mouse	<i>Zapus princeps</i>
Western Small-footed Myotis	<i>Myotis ciliolabrum</i>
White-tailed Deer	<i>Odocoileus virginianus</i>
White-tailed Jackrabbit	<i>Lepus townsendii</i>
Yellow-bellied Marmot	<i>Marmota flaviventris</i>
Yellow-pine Chipmunk	<i>Tamias amoenus</i>
Common Gartersnake	<i>Thamnophis sirtalis</i>
Terrestrial Gartersnake	<i>Thamnophis elegans</i>

Proposed Action: Under the Proposed Action, FWP would protect and enhance the entirety of the wildlife linkage area and significant winter range. The Spotted Dog WMA land acquisition would secure protection a forest carnivore linkage zone, providing important habitat connectivity to-and-from the Blackfoot, the Garnet, Flint and Boulder Mountains, and the Continental Divide ecosystems. It would also protect and enhance wildlife movement corridors along riparian habitats, which would benefit migratory songbirds, small mammals, amphibians, and fish (fish species are described in Section 3.4). In addition, FWP would open the area to hunting, trapping, and wildlife viewing opportunities for the general public, which was previously only accessible by permission of the owners. Hunting would be in accordance with regulations pertaining statewide and to Deer/Elk Hunting District (HD) 215. See Section 3.5 for additional information and discussion about the recreational opportunities.

Wildlife habitat would be protected and enhanced by taking the administrative steps outlined in the Spotted Dog WMA Management Plan (See *Attachment A*). Seasonal closures are expected to ensure wintering wildlife is undisturbed during winter and selective road closures would provide protection for forage and cover habitat for all species. The only exception to the winter closure would allow snowmobilers to continue using the pre-existing groomed trail system in the eastern half of the property, where potential conflicts with wintering wildlife are minimal. In this area snowmobilers would be required to stay on the groomed route.

No Action: If no action were taken, FWP would not protect crucial winter range for elk, white-tailed deer, mule deer and moose, as well as an important forest-carnivore linkage zone that provides important habitat connectivity to-and-from the Blackfoot, the Garnet, Flint and Boulder Mountains, and the Continental Divide ecosystems. Consequently, the persistence of connected wildlife populations in the Upper Clark Fork watershed would be placed in greater long-term risk. In addition, FWP would not be able to provide hunting and wildlife viewing opportunities associated with the project area. If RCCC retained the property and sold it to another buyer, the exact level of this risk is unknown since the future impacts to resources and public access would be dependent on the desires of the new property owner(s). There is the potential for subdivision of the property for residential development, which could negatively and irreversibly impact habitat for wildlife species.

3.4 Fisheries Species and Water Resources

The Spotted Dog property encompasses significant portions of three drainages for which FWP has fisheries data. This includes 4½ miles of Spotted Dog Creek as well as most of its tributaries (11 miles in Middle, South & West Forks), 4 miles of Trout Creek, and 4 miles of O'Neil Creek. Several other small streams flow across the ranch including Freezeout Creek and Fred Burr Creek. While FWP does not have any fisheries data for these smaller streams and their recreational fisheries value is likely low; they may support populations of native westslope cutthroat trout. The following is a brief summary of the main fisheries within the property.

Spotted Dog Creek is a significant tributary to the Little Blackfoot River that flows for approximately 14 miles before reaching its mouth near Avon. The Spotted Dog property encompasses about 4 ½ miles of upper Spotted Dog Creek as well as much of its Middle and South Forks. Fish surveys completed on Forest Service land above the ranch in 2007 showed the presence of good densities of native westslope cutthroat trout, which appear to be genetically

pure based on past testing. Introduced brook trout were also found to be present in relatively low densities. The reach of Spotted Dog Creek flowing through the ranch likely provides a medium to good quality fishery for resident westslope cutthroat trout as well as brook trout. The main stem of the creek is large enough to provide a quality, small-stream angling opportunity, and fish habitat appears to be in fair condition; although impacts of riparian livestock grazing are evident.

A 16-acre reservoir is located near the downstream extent of the ranch ownership (about 5.5 miles up from the mouth of the stream). This reservoir is surrounded by private land and the Spotted Dog property appears to have access to the upper half. The reservoir, although not large, provides good quality angling for westslope cutthroat trout as well as brook trout. Brown trout are very common in Spotted Dog Creek below the reservoir, but it is unknown whether the species is present upstream of the dam which appears to be an upstream fish barrier.

Trout Creek is a moderately sized tributary to the Little Blackfoot River that drains for approximately 11 ½ miles before reaching its mouth near the town of Avon. The Spotted Dog property encompasses 3 to 4 miles of Trout Creek. Fish sampling conducted in 2008 by FWP showed that introduced brook trout dominated the lower reaches of the stream, while native westslope cutthroat trout (genetically pure based on past testing) were more common in the upper part of the drainage. Habitat quality throughout much of the stream appears to be fair to poor, with much of the degradation being related to unregulated livestock grazing in the riparian zone. The stream is not large and provides limited angling opportunities. However, the stream could be a source of westslope trout recruitment for the Little Blackfoot River if habitat issues could be addressed sufficiently.

O'Neil Creek is a very small tributary to the Clark Fork River that flows for about 4 ½ miles before reaching its mouth between Deer Lodge and Garrison. The Spotted Dog property (including DNRC leased land) encompasses 3 to 4 miles of the upper drainage. The lower reaches of the stream appear to be ephemeral, and the creek is only connected to the Clark Fork River during spring runoff. Nevertheless, sampling conducted in 2009 by FWP showed the presence of relatively high densities of native westslope cutthroat trout in the upper reaches of the stream. The genetic status of this population is currently unknown, although samples have been submitted for testing. In addition, the transmitter of one adult westslope cutthroat trout radio tagged in the Clark Fork River in the spring of 2009 was recovered in O'Neil Creek during the summer of 2009. This suggests that the stream may support westslope cutthroat trout with a fluvial life history. The stream is considered too small to support significant angling opportunity.

Water Rights: A search of the Montana Department of Natural Resources and Conservation water rights database identified 55 water right records associated with the Spotted Dog property, of which the bulk are described as being used for providing water for livestock.

Wetlands: There are numerous freshwater emergent and freshwater forested/shrub wetlands throughout the 27,616 acres. The largest are along the upper reaches of the three forks of Spotted Dog Creek, with their sizes ranging from 4 acres up to 35 acres (USFWS, Wetlands Database, 4/29/10).

Proposed Action: Under the Proposed Action, water resources within the target property would be maintained or enhanced by protecting riparian areas. There are no proposed changes that would result in increased discharge, changes in drainage patterns, alteration of the creeks' course (including flooding), changes in the quality or quantity of groundwater, and/or changes in water rights or other water users. Protection of existing cold, clean, complex, and connected native salmonid habitat critical to bull trout and westslope cutthroat trout would be maintained.

As a consequence of the acquisition, FWP would have the ability to initiate habitat restoration projects for the benefit of imperiled aquatic species and other wildlife species. Reaches of Spotted Dog Creek (and its tributaries), O'Neil, and Trout Creek have been degraded by repeated livestock use over the years. FWP fisheries crews who conducted sampling on these creeks from 2007 to 2009 described riparian conditions along Spotted Dog as fair to good, O'Neil Creek as fair, and private lands portions of Trout Creek as fair to poor. Aquatic prioritization is expected to be completed in 2010 that will identify streams where restoration will yield the greatest benefit for native fisheries and/or recreation.

All water rights would transfer to FWP at closing. There are two water rights for irrigation; one in the amount of 4.5 CFS and the other 5 CFS. The irrigation claims can provide improved flows in Spotted Dog Creek to the reservoir located in T9NR8W sections 15 and 22. Anything below the reservoir would need to be agreed upon with the lower landowners. No water rights attached to the ranch are associated with the reservoir. In stream flows in the upper reaches of Spotted Dog Creek would be improved. These rights have the potential to augment in-stream flows in the Little Blackfoot and Clark Fork Rivers if we can get that water downstream beyond the reservoir, which would enhance ongoing restoration and remediation actions.

No Action Alternative: If FWP decides not to exercise its right to purchase the property, it is unknown if any of the water resources (riparian areas, wetlands) would be affected by another buyer's plans if RCCC sold the property in the future.

3.5 Aesthetics and Recreation Opportunities

Spotted Dog property encompasses a large view-shed from Elliston to Garrison in the Little Blackfoot River Canyon and from Garrison to Deer Lodge along the Interstate-90 corridor. The open, uncluttered views of grasslands and forests as an observer enters the Little Blackfoot or upper reaches of the Clark Fork River reveal some of the least developed grassland valleys in Western Montana.

The Little Blackfoot corridor is an especially scenic drive with a narrow canyon bounded by an agricultural landscape. The western half of the property drains into the Clark Fork River and its topography is gently sloping. The eastern half drains into the Little Blackfoot River, and is more deeply incised, and steeply sloping, between broad, prominent benches and plateaus. From the eastern portions of the ranch there are unobstructed views across the Deer Lodge Valley and the Flint Creek Mountain Range. Several rocky outcrops and small cliffs are present, especially in the vicinity of Beacon Hill, located on DNRC land at the head of George Gulch near the north boundary of the area.

The Spotted Dog property is in HD 215 and currently, public access on the property is by private permission only.

Fishing opportunities on the ranch are limited. The reach of Spotted Dog Creek flowing through the property provides a medium to good quality fishery for resident westslope cutthroat trout and brook trout. The main stem of the creek is large enough to provide a quality, small-stream angling opportunity. Only marginal fishing opportunity is available on O'Neil and Trout Creeks, which are small and in some cases, ephemeral.

Within the eastern portion of the property there is an existing groomed snowmobile trail system maintained by the Helena Snowdrifters Snowmobile Club that is accessible from a trailhead along the Little Blackfoot River Road. Approximately fifteen miles of groomed and ungroomed snowmobile trails traverse the Spotted Dog property (Helena Snowdrifters Snowmobile Trails, 2003). The estimated usage level, as reported by the Snowdrifters in a FY2011 FWP trail grant application, was 3,500 users for the season.

Proposed Action: FWP's acquisition of the proposed Spotted Dog WMA would open the property for many outdoor recreational opportunities previously unavailable to the general public, including hunting, wildlife viewing, fishing, hiking, mountain biking, horseback riding, picnicking, and camping. The acquisition of this property would also provide access to 10,261 acres of DNRC trust lands that are interspersed with the Spotted Dog lands, as well as access to areas of the Helena National Forest along a seven-mile shared border.

In the 2008 hunting season, HD 215 had the highest number of elk hunters (estimated at 2,063 hunters with 16,270 hunter days and 356 elk taken) of any HD in the Upper Clark Fork drainage. Opening almost 40,000 acres of property to public hunting would increase the numbers of hunters who use the district and would also re-distribute existing hunters. Both results would be positive because some public lands accessed for hunting close to Butte and Helena have crowding issues, and increased hunting pressure on Spotted Dog would result in more harvest overall.

A very conservative estimate of hunter days on the proposed WMA and DNRC lands would be roughly 3,000 hunter days for 500 hunters. Most of the north half of HD 215 is on RCCC and the checker-boarded DNRC lands within it. Opening this area to public hunting would provide tremendous hunter opportunity in a game rich location.

Spotted Dog is an area where there is little public hunting activity and FWP receives complaints from neighbors about game damage. FWP has had limited opportunity to conduct game damage hunts or resolve this situation because the elk typically find refuge from hunters on RCCC. The elk population in HD 215 is currently well over objective (1,759 elk counted, compared with the objective of 1,000) largely due to the fact that hunting is restricted in the northern portion of the HD (which includes Spotted Dog). FWP ownership of Spotted Dog would mitigate, if not eliminate, the impact to nearby landowners from elk.

Camping would be allowed within the WMA; however, parking would be restricted to the road shoulder and pullouts. Firewood cutting and open fires would be prohibited.

The property would be open annually to the public from noon on May 15 through November 30, and closed to the public from December 1 through noon on May 15 to protect wintering elk, mule deer and antelope. An exception to the winter closure would allow snowmobilers to continue using the pre-existing groomed trail system that follows Forest Service roads or trails in the eastern half of the property, where potential conflicts with wintering wildlife are minimal. Snowmobilers would be required to stay on the established route. FWP anticipates the Helena Snowdrifters Snowmobile Club would continue to maintain and groom these trails.

FWP anticipates that visitor use of the WMA would be moderate to high depending upon the season. With the large size of this property, there would likely be challenges associated with managing recreation on the property. These challenges would include enforcement coverage, vandalism, maintenance, and resource protection. For the immediate future, existing FWP staff plus a proposed additional 0.5 FTE would manage the property and administrative staff would be based out of the Warm Springs WMA office, which is south of Deer Lodge.

Recreation would be managed in accordance with applicable FWP rules and regulations, including FWP's Commercial Use Rules. Commercial outfitting would not be permitted on any portions of the wildlife management area. FWP would install appropriate boundary and regulation signage and additional site information would be available via brochures and the FWP website to inform the public of the allowable activities within the WMA.

No Action: If FWP decides not to exercise its right to purchase the property, RCCC would likely continue their current permission-only access policy until another buyer(s) is discovered. FWP would continue to receive complaints from neighbors about game damage if the property remained in private ownership and closed to hunting for wildlife population management.

Future access for public recreation opportunities under different ownership would be difficult to analyze since it is unknown what a new owner(s) might do. However, there would be a high likelihood that the public's access to additional hunting and other recreational opportunities would be minimal, if granted at all, if this property were sold to a private party.

3.6 Community and Taxes

The Spotted Dog property is in Powell County, located south of the community of Avon and northeast of the city of Deer Lodge, the County seat. The population of the county as of the 2000 U.S. Census is 7,180, with 3,421 residents in Deer Lodge and 124 in Avon.

The economy of Powell County is dependent on government, manufacturing, retail trade, and service industries (Powell County, 2005). As of the last census, only 9.2% of Deer Lodge's residents were employed in natural resource-based (agriculture, mining, fisheries, hunting, and forestry) jobs. Ranching and services are the primary businesses in the Avon area.

In 2006, the leadership of Powell County completed updates to their 2004 Comprehensive Plan and Growth Policy to provide guidance for decision-making for community and economic development, transportation management, public facilities, and natural resource management until the year 2025. The Plan defines six land-use districts. The Powell County Zoning and

Development Regulations (2009) detail the development requirements for each District, and the Zoning/Development Districts map (2007) depicts the location of the Districts. The Spotted Dog property lies in portions of three Districts: 1 (approximately 3% of the subject lands are in this District; minimum lot size 5 acres); 3 (86%; minimum lot size 160 acres); and 4 (12%; minimum lot size 40 acres). Both Districts 3 and 4 promote “agricultural and timber operations and other related activities,” and emphasize protection of open space, watersheds, and wildlife resources, among other protections.

Current taxes assessed on the ranch are approximately \$15,000 per year based on the County tax current assessment.

Proposed Action: The proposed acquisition of the Spotted Dog property is not expected to have any direct affects to the city of Deer Lodge. The planned management of the WMA would be consistent with these objectives and policies of the goals of the Powell County Growth Policy:

- 1) to protect non-commercial timberlands in order to maintain forage production and watershed values to enhance the wildlife, scenic, and recreational qualities (Goal 4, Natural Resources, Objective B);
- 2) to encourage protection of fish and wildlife, and its habitat with emphasis on those species that contribute to the economy of Powell County (Goal 4, Objective E);
- 3) to encourage and support effective noxious weed control measures (Goal 4, Policy 5);
- 4) to limit development adjacent to perennial streams and in riparian areas (Goal 4, Policy 6); and
- 5) to promote recreational facilities to serve all segments of the population within Powell County (Goal 5, Public Facilities, Objective D).

Purchase of the Spotted Dog property by FWP for a Wildlife Management Area would preclude future subdivision of the property and associated revenues to the county that would result. However, preclusion of subdivision would also save the county from having to provide services to ex-urban communities. It has been demonstrated that costs to counties from providing services to rural subdivisions are sometimes higher than the revenues generated by taxes.

The actual amount of property taxes paid to the County is not expected to change due to the exclusions of timber harvesting and grazing activities within the property. The department is required by law to make tax payments to counties equal to the amount that a private landowner would be required to pay per Montana Code 87-1-603. DNRC does not pay property taxes on land it owns, so the tax status on the DNRC land would not change as a result of FWP leasing those acres.

The Spotted Dog property is currently marketed for sale. FWP assumes that its purchase of the Spotted Dog property would have a similar effect on the livestock operation of RCCC as would the purchase of the property by a private buyer. Since for the immediate future grazing would be prohibited on the WMA and DNRC leased acres, RCCC would have to relocate its livestock elsewhere.

See *Attachment B*, FWP's Socio-Economic Assessment, for additional information regarding predicted consequences.

No Action: If RCCC decided to retain the Spotted Dog property for grazing cattle, it is unlikely that the tax revenue to the County would change and there would be no affect to the nearby communities. If RCCC decided to develop the Spotted Dog property in the same fashion their "home ranch" has been developed with a private golf course, trophy homes, and numerous luxury amenities or if the property were sold and subdivided for other residential development, the amount of tax revenue paid to the County could be higher than the current level. Predicting the final use of the property and exact tax consequences if owned by another party is difficult to assess.

3.7 Cumulative Impacts

Proposed Action: The proposed purchase would contribute to the permanent conservation and protection of Montana's second-largest unbroken grassland west of the Continental Divide. This unique habitat would ensure important wildlife movement corridors are preserved for wide-ranging wildlife such as lynx, grizzly bear, and other species between the Blackfoot, the Garnet, Flint and Boulder Mountains, and the Continental Divide. Such connectivity is essential for recovery of *threatened*, *endangered*, and sensitive species and maintaining viability of numerous other wide-ranging species such as elk, black bear, and mountain lion.

Similarly, the long term protection of Spotted Dog, Trout, and O'Neil Creeks and their tributaries would contribute to the perpetuation of native trout populations in the Little Blackfoot River and the larger Clark Fork River watershed. Any future fisheries restoration activities initiated by FWP to improve water quality for native trout population would have positive benefits for all aquatic species, as well as terrestrial species.

Establishing public access to the subject lands would contribute to recreational opportunities for the general public, specifically local residents, through the redistribution of hunting pressure in HD 215 and new allowable activities on acres previously closed. The extension of public hunting on to the property would provide FWP the opportunity to manage game populations towards their target levels with the hunting district.

There would be no additional impacts to RCCC from the prohibition of grazing on the property by FWP than would be sustained if Spotted Dog were sold to most private buyers.

No Action: If no action were taken, the perpetuation of critical habitat suitable for maintaining wildlife and fish metapopulations in the Lower Clark Fork watershed could be potentially vulnerable to subdivision and commercial or residential development in the future. Maintaining crucial winter range for ungulate populations may be compromised under no action, and a cumulative loss of wildlife movement corridors for threatened, endangered, and sensitive fish and wildlife species would be risked as well. The continued loss of public access to the Spotted Dog property would contribute to a cumulative loss of areas for public recreation and reduce the potential for active wildlife population management by FWP (i.e. hunting).

4.0 RESOURCE ISSUES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

The Montana Environmental Policy Act (MEPA) provides for the identification and elimination from detailed study of issues, which are not significant or which have been covered by a prior environmental review, narrowing the discussion of these issues to a brief presentation of why they would not have a significant effect on the physical or human environment or providing a reference to their coverage elsewhere (Administrative Rules of Montana 12.2.434(d)). While these resources are important, FWP anticipates they would be unaffected by the proposed action or if there were any effects, those influences could be adequately mitigated; as a result the following resources were eliminated from further detailed analysis.

4.1 Soils

A query of the U.S. Department of Agriculture's (USDA) Soil Survey database of the Spotted Dog property identified over 100 different soil types within its boundaries ranging from clay and cobbly loams to outcrop complexes. The predominant types at over 2,000 acres each included Libeg-Monad-Copenhaver complex, Braziel-Tolbert complex, Worock gravelly loam, Braziel-Tolbert-Rock outcrop complex, Danvers clay loam, and Roy-Shawmut-Danvers complex. The remaining soil types are represented in acres of lesser amounts. Depending upon the location within the ranch, slopes ranged from zero to sixty percent. (USDA Soil Survey database, 5/7/2010)

Of the approximately 28,000 acres, less than 1% is designated as Prime Farmland and nearly 11% is designated as Farmland of Local Importance by the USDA. The bulk of the property is classified as Not Prime Farmland.

4.2 Air Quality

Under either alternative, changes to the ambient air quality are unlikely since neither FWP nor RCCC have disclosed plans for construction or development which would affect particulate levels and air quality.

4.3 Noise and Electrical Effects

Since RCCC has been using the property for their livestock business, and FWP would be purchasing the property for a WMA, the potential for changes in noise levels is expected to be minimal since the rural character of the property would be unchanged. The potential for changes in noise levels would depend on the FWP's authorized recreational activities within the WMA and the intensity of those activities in a specific location.

Existing electrical structures (cell phone and radio repeater towers) and pipelines would not be affected by either alternative.

4.4 Risk and Health Hazards

As part of FWP's due diligence, the Department would complete a hazardous materials survey prior to the property's acquisition. An aerial survey was completed and ground survey is planned to investigate potential hazards in the area.

4.5 Cultural & Historical Resources

The Montana State Historic Preservation Office (SHPO) completed a cultural resource file search for the Spotted Dog property and reported that there are a few previously recorded sites within the project area. Most of the sites are associated with a historic irrigation system and railroad stage route that traversed numerous sections of the property.

Additionally, SHPO's file search did locate a historic site recorded to have lithic scatter from prehistoric period within the boundaries of the Spotted Dog property. Prehistoric and historic use of Deer Lodge Valley was by many Native American tribes including: Pend d'Oreille, Shoshone, Blackfoot, Nez Perce, Salish, and Kootenai (MT Historic Preservation Office, 1995). These tribes probably used Spotted Dog property in historic times.

FWP's proposed acquisition would likely have a positive effect on any cultural or historical resources by securing and managing them in public ownership. By Montana law (22-3-433 MCA), all state agencies are required to consult with the State Historic Preservation Office on the identification and location of heritage properties on lands owned by the state that may be adversely impacted by a proposed action or development project. It is uncertain if unrecorded historic sites would be affected by the activities of an owner other than FWP.

5.0 NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the significance criteria evaluated in this EA, is an EIS required? No. Based upon the above assessment, which has identified a very limited number of minor impacts from the proposed action, an EIS is not required and an Environmental Assessment is the appropriate level of review.

6.0 PUBLIC PARTICIPATION

6.1 Public Involvement

Public notification of the EA release and opportunities to comment will be by:

- A statewide press release;
- Two legal notices in each of these newspapers: *Anaconda Leader*, *Independent Record* (Helena), *Missoulian*, *Montana Standard* (Butte), and *Silver State Post* (Deer Lodge);
- Direct mailing (or email notification) to adjacent landowners and interested parties;
- Public notice and posting the EA on the FWP web page, <http://fwp.mt.gov>.

Copies of this EA will be available for public review at FWP Region 2 Headquarters in Missoula, FWP's Butte Area Resource Office, and on the FWP web site.

A public meeting will be held on July 14th beginning at 7 p.m. at the Deer Lodge Community Center (Cottonwood Street, north of the County Courthouse). At this meeting the public will have a venue to submit comments and have questions answered by FWP staff. This level of public notice and participation is appropriate for a project of this scope having few, limited physical and human impacts.

6.2 Duration of Comment Period

The public comment period will extend for thirty (30) days beginning July 1, 2010. Written comments will be accepted until 5:00 p.m. on July 30, 2010 and should be mailed to this address:

Spotted Dog WMA Acquisition
Montana Fish, Wildlife & Parks
Region 2 Headquarters
3201 Spurgin Rd.
Missoula, MT 59804

or email comments to SpottedDog@mt.gov

or phone comments to 406-542-5500

6.3 Timeline of Events

Environmental Assessment Public Comment Period	July 1--July 30, 2010
EA Submitted to FWP Commission	August 5
EA Submitted to MT Land Board	August 16 or September 20
NRDP Grant Decision	End of August 2010, tentatively

6.4 Offices/Programs contacted or contributing to this document:

Grant-Kohrs Ranch National Historic Site, Deer Lodge, MT
Montana Fish, Wildlife & Parks:
 Lands Bureau, Helena
 Legal Bureau, Helena
 Parks Division, Helena
 Wildlife and Fisheries Division, Missoula
Montana Department of Natural Resources and Conservation, Helena
Montana Historical Society, Helena
Montana Natural Heritage Program, Helena
Montana Natural Resource Damage Program, Helena
Montana State Historic Preservation Office, Helena
Rock Creek Cattle Company, Deer Lodge, MT
U.S. Department of Agriculture, Soil Survey Database
U.S. Fish and Wildlife Service, Wetlands Database
U.S. Forest Service, Helena, MT

7.0 EA PREPARATION

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Mike Thompson, FWP Region 2 Wildlife Manager, Missoula, MT
Ray Vinkey, FWP Wildlife Biologist, Philipsburg, MT

REFERENCES

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Helena Snowdrifters. 2003. Snowmobile Trails. Helena, Montana.

Helena Snowdrifters. 2010. FWP Snowmobile Trails Grant Program Application. Helena, Montana.

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Montana Historic Preservation Office. 1995. National Register of Historic Places Registration Form--Warm Springs Mound.

Montana Natural Heritage Program. 2009. Montana Animal Species of Concern, July 2009.

Montana Natural Heritage Program (MTNHP). 2009. Montana Land Cover/Land Use Theme. Based on classifications originally developed by the University of Idaho, Sanborn and MTNHP for the Pacific Northwest ReGAP project. Helena, Montana.

Powell County. 2006. Powell County Growth Policy. Deer Lodge, Montana.

ATTACHMENTS

- A. Draft Management Plan, Proposed Spotted Dog Wildlife Management Area
- B. Socio-Economic Assessment, Proposed Spotted Dog Land Acquisition